

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KEVIN GAMBLE,

Plaintiff,

vs

9:06-CV-1543

PATRICK MAYNARD, Prison Guard; SERGEANT  
SILVER; DONAH, Prison Guard; A. BABBIE,  
Prison Guard, and S. MILLER, Prison guard,  
each of Clinton Correctional Facility,

Defendants.

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APPEARANCES:

OF COUNSEL:

KEVIN GAMBLE

Plaintiff, Pro Se

00-A-6625

Southport Correctional Facility

P.O. Box 2000

Pine City, NY 14871

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Defendants

Department of Law

The Capitol

Albany, New York 12224

CHRISTOPHER W. HALL, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

**ORDER**

Plaintiff, Kevin Gamble, brought this civil rights action pursuant to 42 U.S.C.

§ 1983. In a Report Recommendation dated November 2, 2007, the Honorable David E.

Peebles, United States Magistrate Judge, recommended that the order granting the plaintiff

IFP status be vacated; and that defendants' motion to dismiss plaintiff's complaint be granted

as to all defendants and all claims unless plaintiff pays the full required filing fee of \$350.00 within thirty days after entry of the final order by the district judge addressing the recommendation. Objections to the Report Recommendation have been filed by the plaintiff.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

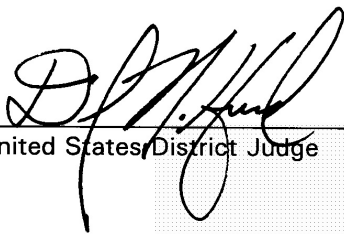
Accordingly, it is

ORDERED that

1. The order (Docket No. 4) granting the plaintiff IFP status is VACATED;
  2. Defendants' motion to dismiss plaintiff's complaint is GRANTED as to all defendants and all claims unless the plaintiff pays the required filing fee of \$350.00, in full, within thirty days after entry of this order;
  2. In the event the plaintiff fails to pay the necessary filing fee of \$350.00 within the required time period, the complaint will be DISMISSED in all respects without further order;
- and
3. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: January 14, 2008  
Utica, New York.

  
United States District Judge